

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Samuel Ross	Team: Squad #7	CCRB Case #: 201800652	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/18/2018 10:58 PM	Location of Incident: 57th Avenue and 97th Street; 110th Precinct stationhouse	Precinct: 110	18 Mo. SOL 7/18/2019	EO SOL 7/18/2019	
Date/Time CV Reported Tue, 01/23/2018 8:59 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 01/23/2018 8:59 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christophe Sanchez	23298	948129	110 PCT
2. SGT Magdalena Raznikiewicz	4894	940615	110 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. Officers			110 PCT
2. POM Anthony Jones	17923	944684	110 PCT
3. POM Daniel Costa	25372	962996	110 PCT
4. POM John Comiskey	14400	957478	110 PCT
5. POM Lenin Garcia	25975	947754	110 PCT
6. POF Jillian Sementini	05627	959219	110 PCT
7. POF Brittany Waldon	23482	953547	PBQ/N
8. POM Rafael Torres	16432	961387	110 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christophe Sanchez	Force: At 57th Avenue and 97th Street in Queens, Police Officer Christopher Sanchez pointed his gun at § 87(2)(b)	
B.POM Christophe Sanchez	Discourtesy: At 57th Avenue and 97th Street in Queens, Police Officer Christopher Sanchez spoke discourteously to § 87(2)(b)	
C.POM Christophe Sanchez	Abuse: At 57th Avenue and 97th Street in Queens, Police Officer Christopher Sanchez searched § 87(2)(b)	
D.POM Christophe Sanchez	Force: At 57th Avenue and 97th Street in Queens, Police Officer Christopher Sanchez used physical force against § 87(2)(b)	
E.POM Christophe Sanchez	Abuse: At 57th Avenue and 97th Street in Queens, Police Officer Christopher Sanchez interfered with § 87(2)(b)'s use of a recording device.	

Officer(s)	Allegation	Investigator Recommendation
F.POM Christophe Sanchez	Abuse: At 57th Avenue and 97th Street in Queens, Police Officer Christopher Sanchez threatened § 87(2)(b) with the use of force.	
G.POM Christophe Sanchez	Force: At the 110th Precinct stationhouse, Police Officer Christopher Sanchez used a chokehold against § 87(2)(b)	
H.POM Christophe Sanchez	Force: At the 110th Precinct stationhouse, Police Officer Christophe Sanchez used physical force against § 87(2)(b)	
I.SGT Magdalena Raznikiewicz	Abuse: At the 110th Precinct stationhouse, Sergeant Magdalena Raznikiewicz threatened § 87(2)(b) with the use of force.	
J.POM Christophe Sanchez	Abuse: At the 110th Precinct stationhouse, Police Officer Christopher Sanchez threatened § 87(2)(b) with the use of force.	
K.POM Christophe Sanchez	Abuse: At the 110th Precinct stationhouse, Police Officer Christopher Sanchez strip-searched § 87(2)(b)	
L.POM Christophe Sanchez	Force: At the 110th Precinct stationhouse, Police Officer Christopher Sanchez restricted § 87(2)(b)'s breathing.	

Case Summary

§ 87(2)(b) filed this complaint with the CCRB on January 23, 2018, via telephone.

On January 18, 2018, at approximately 10:58 PM, Sgt. Magdalena Raznikiewicz and PO Christopher Sanchez of the 110th Precinct observed § 87(2)(b) and a group of unidentified associates gathered at the intersection of 57th Avenue and 97th Street in Queens. From inside of their marked vehicle, they instructed the group to disperse.

When the group crossed to the north side of 97th Street, Sgt. Raznikiewicz and PO Sanchez exited their vehicle and approached § 87(2)(b). PO Sanchez allegedly pointed his gun at § 87(2)(b) torso (**Allegation A: Force**, § 87(2)(g)) and said to § 87(2)(b) “Get your hands out of your fucking pockets” (**Allegation B: Discourtesy**, § 87(2)(g)). PO Sanchez then allegedly lifted § 87(2)(b) jacket, exposing his waistband (**Allegation C: Abuse of Authority**, § 87(2)(g)). Sgt. Raznikiewicz and PO Sanchez then returned to their vehicle and parked across the street.

§ 87(2)(b) upset with the officers, stepped into the street and began to broadcast the situation live on his Instagram account. Sgt. Raznikiewicz again exited their vehicle and approached. PO Sanchez allegedly shoved § 87(2)(b) (**Allegation D: Force**, § 87(2)(g)) and then knocked the phone from his hand (**Allegation E: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) again walked away from the officers.

Additional officers then responded to the scene. As § 87(2)(b) complained about PO Sanchez’s conduct, PO Sanchez allegedly said to him, “Shut up before you get it” (**Allegation F: Abuse of Authority**, § 87(2)(g)). PO Sanchez then arrested § 87(2)(b) for disorderly conduct.

PO Lenin Garcia and PO Jillian Sementini of the 110th Precinct transported § 87(2)(b) to the 110th Precinct stationhouse. In the cell area, PO Sanchez allegedly told § 87(2)(b) to undress. When he refused, PO Sanchez allegedly wrapped his arm around § 87(2)(b) neck (**Allegation G: Force**, § 87(2)(g)) and took § 87(2)(b) to the ground (**Allegation H: Force**; § 87(2)(g)). Meanwhile, Sgt. Raznikiewicz allegedly drew her Taser, pointed it at § 87(2)(b) face, and warned him that she could use it against him (**Allegation I: Abuse of Authority**, § 87(2)(g)). PO Sanchez also allegedly told § 87(2)(b) that if § 87(2)(b) failed to comply, Sgt. Raznikiewicz would use the Taser against him (**Allegation I: Abuse of Authority**, § 87(2)(g)). PO Sanchez allegedly removed § 87(2)(b) shoes, socks, sweatpants, thermal leggings, and basketball shorts, leaving only his boxer shorts (**Allegation K: Abuse of Authority**, § 87(2)(g)). PO Sanchez also allegedly pulled the waistband of the boxer shorts away from § 87(2)(b) waist and looked inside at § 87(2)(b) genitals (also **Allegation K: Abuse of Authority**, § 87(2)(g)). PO Sanchez then allegedly pulled the hood of § 87(2)(b) sweatshirt upward, causing the collar to press against § 87(2)(b) neck, restricting his breathing (**Allegation L: Force**, § 87(2)(g)). Finally, when § 87(2)(b) removed his sweatshirt, the officers then departed from the cell area.

The investigation obtained surveillance video from TARU camera #§ 87(2)(b) and from Sherwood Pharmacy, located at 97-21 57th Avenue in Queens. The videos do not include audio.

§ 87(2)(g)

Findings and Recommendations

Allegation A—Force: At 57th Avenue and 97th Street in Queens, Police Officer Christopher Sanchez pointed his gun at § 87(2)(b)

§ 87(2)(b) (Board Review 01) stated that as he stood at the northeast corner of 57th Avenue and 97th Street, with his hands in the pockets of his winter jacket, PO Sanchez exited his vehicle and approached. PO Sanchez instructed § 87(2)(b) twice to remove his hands from his pockets, but § 87(2)(b) did not do so. When § 87(2)(b) asked the officers why they had approached him, PO Sanchez, standing at arm length from § 87(2)(b) drew his gun with his right hand and pointed it at the front of § 87(2)(b) torso.

§ 87(2)(b) was unable to identify any of the other individuals present with him at the time of the incident, other than § 87(2)(b). However, the investigation was unable to obtain a statement from § 87(2)(b) (Board Review 02).

PO Sanchez (Board Review 03) acknowledged that § 87(2)(b) refusal to remove his hands from his jacket pockets caused him to feel concerned for his safety. However, he did not recall whether or not he drew his firearm or pointed it at § 87(2)(b). Sgt. Raznikiewicz (Board Review 04) stated that she did not see PO Sanchez draw his gun or point it at § 87(2)(b). Note that both PO Sanchez and Sgt. Raznikiewicz stated that PO Sanchez was the driver of their vehicle.

A TARU camera located at the intersection of 57th Avenue and 97th Place, approximately one block from the incident location, captured this portion of the incident. The original video files are linked to IA #102 of the digital case file.



2018-07-16_17-05-13.mp4

Video Clip #1 (Board Review 05)
27 Seconds

In Video Clip #1, the interaction in question occurs on the sidewalk in front of the marked SUV. Refer to the following, cropped version of the same clip for clarity.



2018-07-16_17-19-35.mp4

Video Clip #2 (Board Review 06)
26 Seconds

The video reveals that after the marked SUV comes to a stop at the curb, two figures exit and approach a third individual on the sidewalk. In light of Sgt. Raznikiewicz and PO Sanchez's testimony, the investigation identified PO Sanchez as the officer who exits the driver's side of the marked SUV and the individual on the sidewalk as § 87(2)(b). As PO Sanchez approaches § 87(2)(b), he appears to briefly extend his left hand in front of him. It is unclear whether or not PO Sanchez holds any object in his hand. He does not appear to take a typical "ready stance," and does not make any clear unholstering or holstering motion upon approach or as he returns to the vehicle.

§ 87(2)(g)

Allegation B—Discourtesy: At 57th Avenue and 97th Street in Queens, Police Officer Christopher Sanchez spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that when PO Sanchez reached him on the sidewalk, he said, "Get your hands out of your fucking pockets." As noted above, the investigation was unable to obtain testimony from any civilian witnesses.

PO Sanchez and Sgt. Raznikiewicz acknowledged that PO Sanchez instructed § 87(2)(b) to remove his hands from his pockets, but PO Sanchez did not recall whether or not he used profanity, and Sgt. Raznikiewicz stated that she did not hear PO Sanchez use profanity.

As noted, the video evidence which captured this interaction does not include audio.

§ 87(2)(g)

Allegation C—Abuse of Authority: At 57th Avenue and 97th Street in Queens, Police Officer Christopher Sanchez searched § 87(2)(b)

According to § 87(2)(b), PO Sanchez lifted the front of § 87(2)(b)'s jacket and sweatshirt, revealing his waistband. Seemingly satisfied, PO Sanchez and Sgt. Raznikiewicz turned and walked back to their vehicle. Note that § 87(2)(b) was wearing a knit ski mask, which covered his entire face and head, and which had holes only for the mouth and eyes.

PO Sanchez stated because § 87(2)(b) wore a ski mask and held his hands in his pockets, he was concerned that § 87(2)(b) might be armed and feared for his own safety. Upon approach, when PO Sanchez instructed § 87(2)(b) to remove his hands from his pockets, § 87(2)(b) refused. PO Sanchez did not recall whether or not he lifted § 87(2)(b)'s jacket or upper garments in order to reveal his waistband, but he stated that PO Sanchez did not search § 87(2)(b) in any manner. He did not recall if he made any physical contact with § 87(2)(b) at this time.

Sgt. Raznikiewicz stated that she felt concerned for her safety for the same reasons which PO Sanchez described. However, she acknowledged that it was a cold evening and that she had no specific reason to believe that § 87(2)(b) hands were in his jacket pockets for any reason other than the cold weather. Sgt. Raznikiewicz did not recall PO Sanchez lifting § 87(2)(b) jacket to reveal his waistband, or searching § 87(2)(b) at all.

As noted above, Video Clip #2 captured this interaction between § 87(2)(b) who stands on the sidewalk, and PO Sanchez, who exits the driver's side of the marked SUV.



2018-07-16_17-19-35.mp4

Video Clip #2 (Board Review 06)
26 Seconds

In the video, PO Sanchez approaches § 87(2)(b) with his left arm extended. He moves closer to § 87(2)(b) standing immediately adjacent to him, and appears to make physical contact with § 87(2)(b) for approximately seven seconds, from the eleven second mark until the eighteen second mark. The exact nature of the physical contact is unclear due to the quality of the video. § 87(2)(b) raises his arms to shoulder height and then steps backward, away from PO Sanchez. Finally, PO Sanchez turns away from § 87(2)(b) and returns to his vehicle.

While PO Sanchez denied searching § 87(2)(b) and stated that he did not recall making any physical contact with § 87(2)(b) the video reveals that PO Sanchez did in fact reach toward § 87(2)(b) and make some form of physical contact with him. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

According to *People v. Williams* 111 A.D.3d 448 (2013) (Board Review 07), an officer may, as a safety measure, search a specific area on an individual's person without first performing a frisk only if he or she has both reasonable suspicion that the individual in question is armed and knows exactly where the suspected weapon is located.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation D—Force: At 57th Avenue and 97th Street in Queens, Police Officer Christopher Sanchez used physical force against § 87(2)(b)

§ 87(2)(b) stated that after Sgt. Raznikiewicz and PO Sanchez returned to their vehicle, made a U-turn, and parked across the street, he stepped into the street and, with his phone in his hand, began to broadcast the incident live on Instagram. The officers' vehicle approached again and

came to a stop directly in front of him. PO Sanchez exited, approached § 87(2)(b) and shoved him in the chest with two hands while saying, “Get out of the street.”

PO Sanchez did not recall if § 87(2)(b) moved into the street, or if he ever moved § 87(2)(b) from the street in any manner. He also did not recall whether or not he shoved § 87(2)(b) Sgt. Raznikiewicz stated that PO Sanchez did not shove § 87(2)(b)

The same TARU camera also captured this portion of § 87(2)(b) and PO Sanchez’s interaction.



2018-07-17_17-31-24.mp4

Video Clip #3 (Board Review 08)
22 seconds

In Video Clip #2, the interaction in question occurs in front of the marked SUV, after it comes to a stop across the right lane. § 87(2)(b) is initially visible standing in the street with an arm outstretched. Before the officers’ SUV comes to a stop in front of him, he moves backward, where he is partially obscured by a white van parked at the curb. Again, refer to the following, cropped version of the same clip for clarity.



2018-07-17_17-39-59.mp4

Video Clip #4 (Board Review 09)
22 seconds

In the video, PO Sanchez exits the driver’s side of the marked SUV and approaches § 87(2)(b) who has moved behind the white van. When PO Sanchez reaches § 87(2)(b) at the nineteen second mark, § 87(2)(b) body suddenly accelerates backwards, out of the street and onto the sidewalk. Although only PO Sanchez and § 87(2)(b) shoulders and heads are visible above the white van, the video shows PO Sanchez pushing § 87(2)(b) consistent with § 87(2)(b) testimony.

PO Sanchez reviewed this portion of the video during his CCRB interview. He stated that he could not determine whether or not the individual standing in the street was § 87(2)(b) that the video did not refresh his recollection of this portion of the incident, and that he could not determine, based on this video, whether or not he pushed § 87(2)(b)

According to NYPD Patrol Guide Procedure 221-01 (Board Review 10), an officer’s use of force must be reasonable given the circumstances.

§ 87(2)(g)
[Redacted text block]

Allegation E—Abuse of Authority: At 57th Avenue and 97th Street in Queens, Police Officer Christopher Sanchez interfered with § 87(2)(b)'s use of a recording device.

§ 87(2)(b) stated that he was still holding his phone in his hand and broadcasting the incident live on Instagram while PO Sanchez pushed him. PO Sanchez then knocked the phone from § 87(2)(b) hand. The phone fell to the pavement and stopped broadcasting, causing § 87(2)(b) to lose any video which had been recorded.

PO Sanchez stated that at some point during the interaction, § 87(2)(b) held a cell phone out in front of his body and appeared to be recording a video. PO Sanchez did not knock the phone from § 87(2)(b) hand. He did not recall the phone falling to the ground for any reason. Additionally, he did not interfere with § 87(2)(b) ability to record the incident in any manner.

Sgt. Raznikiewicz stated that § 87(2)(b) stepped into the street and held his phone out in front of him, in the manner of someone recording a video. Sgt. Raznikiewicz did not remember if § 87(2)(b) was still holding his phone out as PO Sanchez approached. PO Sanchez did not knock § 87(2)(b) phone from his hand, and § 87(2)(b) phone did not fall to the ground for any reason. Further, PO Sanchez did not interfere in any manner with § 87(2)(b) ability to record the incident.

On February 12, 2018, the investigation submitted to Instagram, Inc. a subpoena for any video and/or audio recorded and/or broadcast live from § 87(2)(b) Instagram account at the time of the incident. On March 2, 2018, Instagram, Inc.'s Law Enforcement Response Team responded that they could not provide the requested content without a search warrant.

According to NYPD Legal Bureau Bulletin Vol. 46, No. 2 (May, 2016) (Board Review 11), citizens are permitted to record police officers carrying out their duties, and officers are disallowed from intentionally blocking or otherwise obstructing recording devices when there is no legitimate law enforcement reason to do so.

The following video clip captured the portion of the incident during which the alleged action occurred:



2018-07-18_9-51-33.mp4

Video Clip #5 (Board Review 12)
28 seconds

In the video, after § 87(2)(b) and PO Sanchez move onto the sidewalk, they become obscured by a group of bystanders on the sidewalk. PO Sanchez then returns to the driver's side of the marked SUV. The video does not reveal whether or not PO Sanchez knocked § 87(2)(b) phone from his hand.

§ 87(2)(g)

Allegation F—Abuse of Authority: At 57th Avenue and 97th Street in Queens, Police Officer Christopher Sanchez threatened § 87(2)(b) with the use of force.

According to § 87(2)(b) after additional officers began to arrive on scene, PO Sanchez approached § 87(2)(b) and said to him, “Shut up before you get it.” § 87(2)(b) took this to mean that PO Sanchez could or would use force against him.

PO Sanchez did not recall if he said to § 87(2)(b) “Shut up before you get it,” or made any statement suggesting that he could or would use physical force against § 87(2)(b).

Both Sgt. Raznikiewicz and PO Garcia, who was on scene at the time of the alleged remark, each denied hearing PO Sanchez say, “Shut up before you get it.”

As noted, the video evidence which captured § 87(2)(b) interaction with PO Sanchez does not include audio.

§ 87(2)(g)

Allegation G—Force: At the 110th Precinct stationhouse, Police Officer Christopher Sanchez used a chokehold against § 87(2)(b)

Allegation H—Force: At the 110th Precinct stationhouse, Police Officer Christopher Sanchez used physical force against § 87(2)(b)

§ 87(2)(b) stated that upon arrival at the 110th Precinct stationhouse, PO Sanchez instructed PO Garcia and PO Sementini to bring § 87(2)(b) to a cell. PO Garcia and PO Sementini removed § 87(2)(b) from handcuffs and instructed him to undress. § 87(2)(b) refused and told the officers to place him in handcuffs and lodge him in a cell. PO Sanchez and Sgt. Raznikiewicz then entered the cell area. § 87(2)(b) turned his back to PO Sanchez and placed his hands behind his back, and PO Sanchez placed him in handcuffs. However, PO Sanchez then wrapped one arm around § 87(2)(b) neck, so that the crook of his elbow was pressed against the front of § 87(2)(b) neck, and swung § 87(2)(b) downward, to the floor. § 87(2)(b) landed on his chest. He did not sustain any injury at this time.

The investigation identified two prisoners who were also in the 110th Precinct holding cells when § 87(2)(b) arrived at the stationhouse: § 87(2)(b) and § 87(2)(b). However, the investigation was unable to obtain a statement from either individual (Board Review 13).

PO Sanchez and Sgt. Raznikiewicz both stated that when they encountered § 87(2)(b) in the cell area, § 87(2)(b) was seated on the floor of a holding cell. He sat on his hands and refused to be searched. Due to § 87(2)(b) noncompliance, PO Sanchez placed him in handcuffs. PO Sanchez stated that he reached behind § 87(2)(b) and placed a handcuff on one wrist, at which time § 87(2)(b) gave PO Sanchez access to his other hand, allowing PO Sanchez to place him in handcuffs. According to Sgt. Raznikiewicz, PO Sanchez pulled § 87(2)(b) hands from underneath him in order to place him in handcuffs. PO Sanchez did not recall using any degree of physical force against § 87(2)(b) and Sgt. Raznikiewicz stated that PO Sanchez did not do so. They both denied that PO Sanchez ever placed his arm around § 87(2)(b) neck.

PO Garcia, who transported § 87(2)(b) to the stationhouse and who was present in the cell area, stated that § 87(2)(b) was uncooperative with the officers' orders that he remove his shoelaces and the drawstrings from his sweatpants. As the officers attempted to remove these strings, § 87(2)(b) backed up against the bars of the holding cell and then slid to the ground while leaning against the bars. PO Garcia did not see PO Sanchez forcibly take § 87(2)(b) to the ground or place his arm around § 87(2)(b) neck.

PO Brittany Waldon of the Patrol Borough Queens North Citi Field Unit (Board Review 14) was processing an arrest in the 110th Precinct cell area when § 87(2)(b) arrived at the 110th Precinct stationhouse. When PO Waldon first arrived with her prisoner, there was no one else in the cell area. However, a black male prisoner arrived in the cell area shortly after she arrived. PO Waldon was familiar with both Sgt. Raznikiewicz and PO Sanchez. However, she did not recall if they were present and denied observing any interaction between either Sgt. Raznikiewicz or PO Sanchez and a prisoner in the cell area. She did not witness any prisoner behave in an uncooperative manner and did not recall any officer using force against any prisoner.

The investigation requested video from the 110th Precinct stationhouse, but no video was provided, and any video from the stationhouse's surveillance system is expired as of the writing of this report.

§ 87(2)(g)
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§ 87(2)(g)

Allegation I—Abuse of Authority: At the 110th Precinct stationhouse, Sergeant Magdalena Raznikiewicz threatened § 87(2)(b) with the use of force.

Allegation J—Abuse of Authority: At the 110th Precinct stationhouse, Police Officer Christopher Sanchez threatened § 87(2)(b) with the use of force.

§ 87(2)(b) stated that when Sgt. Raznikiewicz entered the cell area, she was holding a Taser. The Taser was "live," meaning that § 87(2)(b) could see an arc of electricity on the front end. When PO Sanchez took § 87(2)(b) to the ground, Sgt. Raznikiewicz stood in front of him and pointed the Taser at his face. PO Sanchez told § 87(2)(b) that if he resisted in any way, Sgt. Raznikiewicz would use the Taser against him. As PO Sanchez searched § 87(2)(b) Sgt. Raznikiewicz

continued to point the Taser at § 87(2)(b) toward the right side of his head, holding it between six and eight inches away from him.

Sgt. Raznikiewicz confirmed that she was armed with a Taser at the time of the incident. However, she did not recall drawing the Taser, showing § 87(2)(b) a warning arc, or telling § 87(2)(b) that she could or would use the Taser against § 87(2)(b). Neither did PO Sanchez give any such verbal warning. However, § 87(2)(b) said to Sgt. Raznikiewicz, “What are you gonna do? You going to zap me?” As such, Sgt. Raznikiewicz believed that § 87(2)(b) saw her Taser, but she did not know what prompted him to say this. Sgt. Raznikiewicz did not respond to § 87(2)(b) remark.

PO Sanchez did not recall if Sgt. Raznikiewicz drew her Taser or if she said that she would use the Taser against § 87(2)(b). He also did not recall telling § 87(2)(b) himself that Sgt. Raznikiewicz would use her Taser against him.

As noted above, PO Waldon did not recall if Sgt. Raznikiewicz and PO Sanchez were present in the cell area and denied observing any interaction between either of these officers and a prisoner.

PO Garcia stated that in the cell area, when § 87(2)(b) refused to comply with PO Sanchez’s instructions, Sgt. Raznikiewicz drew her Taser. PO Garcia did not recall if Sgt. Raznikiewicz pointed the taser at § 87(2)(b). The Taser was not active and there was no visible arc. Sgt. Raznikiewicz told § 87(2)(b) that she would use the Taser against him if he did not comply. However, PO Garcia did not recall if PO Sanchez told § 87(2)(b) that Sgt. Raznikiewicz could use a Taser against him.

As noted above, the investigation was unable to obtain video from the 110th Precinct stationhouse.

According to NYPD Patrol Guide Procedure 221-08 (Board Review 15), which governs the use of conducted electrical weapons (CEWs) such as Tasers, a CEW should only be used against a person who is actively resisting or exhibiting active aggression, or to prevent a person from physically injuring themselves or another person. Further, it is strictly prohibited to use a CEW on a person as a form of coercion or punishment, or on a person who passively resists (e.g. does limp and/or offers no active physical resistance).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)

Allegation K—Abuse of Authority: At the 110th Precinct stationhouse, Police Officer Christopher Sanchez strip-searched § 87(2)(b)

§ 87(2)(b) stated that PO Garcia and PO Sementini initially instructed him to undress. When he refused, PO Sanchez and Sgt. Raznikiewicz entered the cell area. PO Sanchez placed § 87(2)(b) in handcuffs. PO Sanchez then removed § 87(2)(b) sneakers, one-by-one, followed by § 87(2)(b) socks. PO Sanchez removed § 87(2)(b) sweatpants. Underneath the sweatpants, § 87(2)(b) wore thermal leggings and basketball shorts. PO Sanchez removed the thermal pants and basketball shorts, leaving § 87(2)(b) lower body covered only by boxer shorts. On his upper body he still wore his jacket, sweatshirt, t-shirt, and undershirt. PO Sanchez then pulled the waistband of § 87(2)(b) boxer shorts away from his body and looked inside at § 87(2)(b) genitals.

PO Sanchez stated that before § 87(2)(b) was lodged in a cell, it was necessary to remove his belt, shoes (due to the shoelaces), his outermost garment (because he was wearing multiple layers and could use these garments to harm himself), and his pants (due to their drawstrings). § 87(2)(b) was wearing shorts underneath his pants. PO Sanchez did not recall specifically what style of shorts they were, but they were not underwear. PO Sanchez removed these garments from § 87(2)(b) himself. § 87(2)(b) underwear was never exposed. PO Sanchez had no reason to believe that § 87(2)(b) was concealing any weapon or contraband that would not be accessible via a normal search. There was no reason to strip search § 87(2)(b) and PO Sanchez did not strip-search § 87(2)(b).

Sgt. Raznikiewicz also stated that § 87(2)(b) was wearing multiple layers on both his lower and upper body. She believed that because a weapon or contraband could have been hidden within these extraneous layers, the officers needed to remove these layers, per standard protocol. Additionally, the officers were required to remove any and all strings, such as drawstrings and shoelaces. PO Sanchez removed § 87(2)(b) pants and a pair of sweatpants which he wore underneath. § 87(2)(b) wore shorts beneath these two pairs of pants. His underwear was not exposed, he was not instructed to squat and/or cough, and was not strip-searched.

According to PO Garcia, in the cell area he § 87(2)(b) repeatedly refused his and PO Sanchez's instructions to remove the laces from his sneakers and the drawstrings from his hooded sweatshirt and sweatpants. In response, PO Sanchez removed § 87(2)(b) jacket, sweatshirt, and sneakers. Next, PO Sanchez told § 87(2)(b) that if he did remove the drawstring from his sweatpants, the officers would be required to remove his sweatpants. § 87(2)(b) again refused, at which point PO Sanchez removed § 87(2)(b) pants. § 87(2)(b) was wearing shorts under his pants. PO Garcia did not recall what sort of shorts they were. He did not recall if they were undergarments. PO Garcia stated that PO Sanchez never strip-searched § 87(2)(b).

Neither § 87(2)(b) arrest report (Board Review 16) nor the pertinent arrest stamp in the 110th Precinct command log (Board Review 17) notes that a strip-search was conducted.

According to NYPD Patrol Guide Procedure 208-05 (Board Review 18), a search of an arrested person at a police facility includes the removal of outer garments such as overcoats, jackets, sweaters, vests, hats, wigs, ties, belts, shoes and socks, handbags, and wallets. According to the same procedure, a strip-search is any search during which an individual's undergarments are exposed.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation L—Force: At the 110th Precinct stationhouse, Police Officer Christopher Sanchez restricted § 87(2)(b)'s breathing.

§ 87(2)(b) stated that after PO Sanchez removed the garments from his lower body, PO Sanchez pulled upward on the hood of § 87(2)(b) sweatshirt, causing the collar of the sweatshirt to press against § 87(2)(b) neck and restrict his breathing. Holding the hood in that position, PO Sanchez instructed § 87(2)(b) to remove his sweatshirt. § 87(2)(b) looked up at PO Sanchez and asked, “Are you going to allow me to take my hoody off or are you going to choke me with it?” PO Sanchez released the hood. He had pulled it upward for approximately nine seconds.

PO Sanchez denied ever pulling upward on § 87(2)(b) hood in a manner that caused the collar of the sweatshirt or otherwise restricting § 87(2)(b) breathing. Further, he stated that § 87(2)(b) never complained that he was being choked or that his breathing was being restricted. Sgt. Raznikiewicz and PO Garcia stated that PO Sanchez never pulled on § 87(2)(b) hood or restricted his breathing.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 19).
- Sgt. Raznikiewicz has been a member of the NYPD for twelve years and this is the first CCRB complaint to which she has been a party (Board Review 20).

- PO Sanchez has been a member of the NYPD for nine years and has been a subject in fourteen CCRB complaints with thirty-nine allegations, none of which were substantiated (Board Review 21). His CCRB history includes numerous allegations consistent with those in question in this case. In Cases 200911835, 201408884, 201506798, 201609992, and 201605419, it was alleged that PO Sanchez used the word “fuck” in dealings with civilians. These allegations were either truncated or unsubstantiated. In Cases 201010689, 201105993, and 201606376, it was alleged that PO Sanchez used unspecified physical force. These allegations were either truncated or exonerated. In Case #201506798, it was also alleged that PO Sanchez threatened an individual with physical force. That allegation was truncated. Lastly, in Case #201505419, it was also alleged that PO Sanchez searched an individual, used a forcible takedown, used a chokehold, and restricted an individual’s breathing. These allegations were unsubstantiated.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of May 4, 2018, the New York City Office of the Comptroller had no record of any Notice of Claim being filed in regards to this complaint (Board Review 22).
- § 87(2)(b), § 87(2)(c) (impair contract awards or CBAs)

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date